

EXEMPT RETURN RIGHTS OPTIONS SUMMARY

Government Code (GC) sections 19141-19141.1



	Mandatory Reinstatement GC § 19141	Improved Reinstatement GC § 19141.1
Who is eligible?	Exempt employees who previously had permanent civil service status and since such status have had no break in service due to a permanent separation.	Exempt employees who have reinstatement rights to their former position under GC section 19141 and have at least five years of state service.
To what classes?	<p>Employee's former position as defined in GC section 18522 <u>or</u> a vacant position in any department, commission or state agency for which the employee is qualified at substantially the same level.</p> <p>In summary, former position is either of the following:</p> <ul style="list-style-type: none">(a) A position in the class to which an employee was last appointed as probationer or permanent employee.(b) A position in a different class to which the same appointing power could have assigned such an employee.	Upon request, an employee is entitled to an opportunity to obtain civil service appointment list eligibility by taking a deferred examination for any class that has a current eligible list and for which the employee meets the minimum qualifications.
Does the position have to be vacant?	No. If a vacant position is not available, the appointing power must establish a position for the employee.	Yes.

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At what department?	Department where employee last served as a permanent or probationary employee <u>or</u> at the discretion of the appointing power, any other department that has a vacant position at substantially the same level as the last permanent or probationary appointment.	Any department.
What are the time limits?	Employee must request reinstatement to their former position in writing within 10 working days of exempt termination.	Employees' eligibility for appointment expires four years from the date of the exempt termination.
Is a new probationary period required (CCR 322)?	No, employees are only required to complete any portion of their probationary period that was not completed at the time they left their former position.	Yes, employees are required to serve a new probationary period when appointed from an employment list.

- Permanent Status: The status of an employee who completed probation (GC section 18528).
- Break in Service: A permanent separation from state service as defined in CCR 446 and then remains outside of state service for at least eleven consecutive working days (CCR 6.4).
- Permissive: The reinstatement is at the discretion of the appointing power.